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March 21, 2022

VIA ECF

The Honorable Ona T. Wang
United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: *In re Application of Vale S.A. et al.*, No. 20-mc-199-JGK-OTW

Dear Judge Wang:

We write on behalf of Vale S.A., Vale Holdings B.V., and Vale International S.A. (collectively, “Vale”). While we disagree with much of the letter filed yesterday by Perfectus Real Estate Corp. and Tarpley Belnord Corp. (collectively, “Perfectus”), see ECF No. 140, such as the bizarre contention that Perfectus produced privileged documents to us, we do not wish to burden the Court with a response other than to correct Mr. Hellerstein’s misperception that Vale contends that the courtesy copy of Vale’s subpoena (the “Subpoena”) in connection with the action captioned Vale S.A. v. BSG Resources Limited, No. 19-cv-3619 (VSB) (RWL) that was emailed to Mr. Hellerstein constituted service. To the contrary, in addition to this courtesy copy, Vale S.A. properly served Perfectus with the Subpoena pursuant to Federal Rules of Civil Procedure 26, 45 and 69. See Exhibit A, Aff. of Deborah LaPointe, Mar. 11, 2022.

Accordingly, having been validly served, Perfectus is in default of its production obligations. While this will be a matter for Judge Lehrburger’s attention, all Vale seeks from this Court is permission to preserve the documents subject to the Subpoena so they are not irretrievably destroyed. This need is particularly acute given that Mr. Hellerstein’s letter

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nowhere contends that Perfectus has retained a copy of these documents following the resignation of its document custodian or pledges to do so if they are returned to it.

Respectfully submitted,

/s/ Jeffrey A. Rosenthal

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cc: All counsel of record